

REMARKS/ARGUMENTS**35 USC § 102**

Claims 1-2 and 4-6 were previously rejected under 35 USC § 102(b) as being anticipated by Robinson et al. (U.S. Pat. No. 5,374,395). As all previously pending apparatus claims were canceled, the above rejection should be moot. Moreover, the new claims are all method claims and expressly require a step of "...*introducing a continuous flow* of whole blood into the fluid receiving port *while at the same time emitting a continuous flow* of processed whole blood..." Such method is neither taught nor suggested by Robinson et al. Therefore, new claims 7-14 should not be deemed anticipated by Robinson.

35 USC § 103


Claim 3 was previously rejected under 35 USC § 103 as being obvious over Robinson et al. (U.S. Pat. No. 5,374,395). Once more, as all previously pending apparatus claims were canceled, the above rejection should be moot. With respect to the continuous flow elements of the new claims it is pointed out that Robinson et al. fail to suggest or motivate a person of ordinary skill in the art to modify his device such as to arrive at a method as presently claimed.

On the contrary, Robinson teaches "...mixing reagents with samples in reaction areas of a set of closed disposable test packs. Waste portions of the samples are separated from the analytes in the test packs and rolled or otherwise passed into waste pouches in the test packs, which are subsequently sealed..." Further, Robinson et al. teach (on column 28, lines 45 et seq., or on column 30, lines 3 et seq. and lines 62 et seq.) that all reagents and the sample remain in the container. Moreover, Robinson also fails to teach a method of whole blood separation. All Robinson teaches is an analytic device with an optical reader for a reagent reaction. Therefore, new claims 7-14 should not be deemed obvious over Robinson.

The applicant believes that the present claim amendments are sufficient to overcome the Examiner's concerns and believes that the claims as amended are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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